

Clerk, U.S. District Court  
Southern District of Texas  
FILED

A091 (Rev. 8/01) Criminal Complaint

JAN 23 2014

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS**

David J. Bradley, Clerk of Court

UNITED STATES OF AMERICA

V.

**Elifonso Lopez  
Francisco Lopez****CRIMINAL COMPLAINT**

Case Number:

C-14-73M

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about 1/22/2014 in Brooks County, in the  
(Date)

Southern District of Texas, the defendant(s)

**Elifonso Lopez  
Francisco Lopez**

each aiding, abetting and assisting one another, did knowingly or in a reckless disregard of the fact that an alien had come to, entered, or remained in the United States in violation of law, transport, or move or attempt to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law

in violation of Title 8 United States Code, Section(s) 1324  
I further state that I am a(n) Special Agent and that this complaint is based on the  
following facts: Official Title

See Attached Affidavit of HSI Special Agent

**Larry C. White**

Continued on the attached sheet and made a part of this complaint:

☒ Yes☐ No

Signature of Complainant

**Larry C. White**

Printed Name of Complainant

Sworn to before me and signed in my presence, and Probable Cause found on,

January 23, 2014

Date

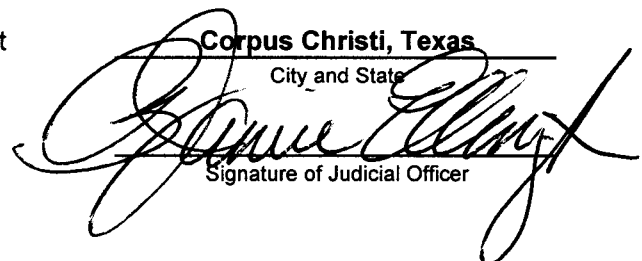
**Janice B. Ellington U.S. Magistrate Judge**

Name and Title of Judicial Officer

at

Corpus Christi, Texas

City and State



Signature of Judicial Officer

ATTACHMENT

On January 22, 2014, Elifonso LOPEZ and Francisco LOPEZ were arrested by U.S. Border Patrol at the USBP Traffic Checkpoint on U.S. Highway 281 near Falfurrias, Texas. This arrest occurred after both subjects were found to be transporting two illegal aliens in a 1997 tan Saturn passenger car (MN LP 344GAV). HSI Duty Agent Larry C. White was contacted and the details of the case were evaluated. AUSA Michael Hess was contacted and prosecution was accepted against Elifonso LOPEZ and Francisco LOPEZ for violation of Title 8 USC 1324, Alien Smuggling.

On January 22, 2014, U.S. Border Patrol Agent Roberto Pina was performing immigration inspections at the USBP Traffic Checkpoint on U.S. Highway 281 near Falfurrias, Texas. At approximately 1930 hours, a 1997 tan Saturn passenger car (MN LP 344GAV) arrived at the primary inspection area. BPA Pina asked the driver, later identified as Elifonso LOPEZ, if he was a U.S. citizen. Elifonso LOPEZ responded, "Yes". BPA Pina then asked the passenger, Francisco LOPEZ, if he was also a U.S. citizen. He also affirmed that he was a U.S. citizen. USBP agents observed two (2) minor children in the vehicle and the children appeared to be in a deep sleep. Both of the subjects were asked about the citizenship of the children. Both of the subjects responded that the children were the grandchildren of Francisco LOPEZ. Neither of the subjects answered as to the citizenship of the children. Based on these facts, as well as previous knowledge that alien smugglers typically drug children to sleep while travelling, BPA Pina asked Elifonso LOPEZ to pull the vehicle into the secondary inspection area.

During the course of the secondary inspection, BPA Rosalio Quezada continued to inquire as to the citizenship of the minor children. Francisco LOPEZ ( the passenger in the vehicle) admitted that the minor children were Undocumented Aliens (UDA's) illegally in the United States, and that the plan was to take the children to Bishop, Texas. Based on the information that had been obtained, BPA Quezada placed both of the subjects under arrest and transported all involved parties to the Falfurrias Border Patrol Station.

Both children were spoke to by USBP agents. The children (ages 10 and 3) stated that they were told to say that one of the subjects was their grandfather and one of the subjects was their uncle. These conversations were taking place as the vehicle neared the checkpoint. The driver of the vehicle, Elifonso LOPEZ initially said that he did not want to make any statements and that he "pleaded the fifth". Shortly thereafter, Elifonso LOPEZ approached BPA Pina and said that he wanted to talk about the case. BPA Pina read Elifonso LOPEZ his Miranda rights. Elifonso LOPEZ agreed to speak without the presence of an attorney and stated that the mother of the children is Daisy CARDENAS. CARDENAS contacted Elifonso LOPEZ and asked him to give the children a ride to Bishop, Texas. Elifonso LOPEZ said that he was doing this as a favor to CARDENAS and that he was to receive nothing from the trip.

Francisco LOPEZ was also read his Miranda rights. Francisco LOPEZ told BPA Pina that he was really intoxicated and that he did not remember anything. Francisco LOPEZ did not make any further statements.

USBP agents were able to talk to the mother of the children. She was aware that the children were with Elifonso LOPEZ, and that he had her permission to have the children with him. She did not say how the children had crossed into the United States. Arrangements were made through the mother, and it was determined that the Grandfather of the children would meet at the Mexican Consulate on January 23, 2014 to take custody of the children.

A Criminal History was checked for each subject. It was determined that the driver, Elifonso LOPEZ is a registered sex offender in San Benito, Texas. He has also been previously registered in Tallahassee, Florida. Elifonso LOPEZ has a total of twenty six (26) lifetime arrests. The offenses have included several aggravated felonies and Elifonso LOPEZ has served multiple sentences in prison. The passenger, Francisco LOPEZ, has been arrested nineteen (19) times in his life, including arrests for several felonies.

Based on the totality of the circumstances, SA White made contact with Assistant United States Attorney (AUSA) Michael Hess and advised him of the facts surrounding this case. Based on those circumstances, prosecution was accepted for each subject.